

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert C. Aaron, et al.	Examiner:	John Quoc Nguyen
Serial No.:	10/716,257	Group Art Unit:	3654
Filed:	November 18, 2003	Docket No.:	100202741-1
Title:	Apparatus and Method for Reversing Tapewind Direction		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed August 9, 2007 and Notice of Appeal filed on November 9, 2007.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals, judicial proceedings, or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 – 4, 9 – 10, 12, and 14 are finally rejected. Claims 5, 8, and 13 are withdrawn, and claims 6 – 7, 11, and 15 – 27 are canceled. The rejection of claims 1 – 4, 9 – 10, 12, and 14 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R.

§ 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

Claim 1

A reel (FIG. 1, #16) comprising:

a hub (FIG. 1, #30; [0012]);

a pair of flanges (#28) separated by the hub (FIG. 3; [0012] and [0016]: the take-up reel has a pair of flanges separated by the hub);

a guide member (#38) is positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for receiving a magnetic tape (#14) (FIGS. 1-3; [0015]); and

a securing mechanism (#44) formed in the pair of flanges and having a resilient member (FIG. 3, #58) moveable for releasably securing a position of the guide member with respect to the hub (FIGS. 1-3; [0013], [0016]: two resilient members 58 move to bias tabs into engagement with the guide member).

Claim 3

A reel (FIG. 1, #16) comprising:

a hub (FIG. 1, #30; [0012]);

two flanges (#28) extending from the hub (FIG. 3; [0012] and [0016]: the take-up reel has a pair of flanges separated by the hub);

a guide member (#38) is positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for receiving a magnetic tape (#14) (FIGS. 1-3; [0015]); and

a securing mechanism (#44) formed in the two flanges and for releasably securing a position of the guide member with respect to the hub, wherein the securing mechanism includes a resilient member (FIG. 3, #58) configured to bias an engagement portion (FIG. 3, #56: tab members) coupled to the resilient member into a corresponding receiving portion (FIG. 3, #42: recessed regions) located on the guide member (FIGS. 1-3; [0013], [0016]: two resilient members 58 move to bias tabs into engagement with the guide member).

Claim 9

A reel (FIG. 1, #16) comprising:

two oppositely disposed flanges (#28) (FIG. 3; [0012] and [0016]: the take-up reel has a pair of flanges separated by the hub);

a hub (#30) positioned between the flanges (FIGS. 1 and 3; [0012]);

a guide member (#38) positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for winding a magnetic tape (#14) (FIGS. 1-3; [0015]); and

a securing mechanism (#44) formed in the flanges and configured to secure the guide member to the hub, such that the magnetic tape is windable onto the hub and the guide member in a first direction of rotation (FIG. 4, #62) and a second direction of rotation (FIG. 4, #70) while the guide member is secured to the hub, wherein the securing mechanism comprises at least one resilient member moveable to lock a position of the guide member with respect to the hub (FIGS. 1-4; [0013], [0016], [0021]: two resilient members 58 move to bias tabs into engagement with the guide member).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 – 4, 9 – 10, 12, and 14 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,889,927 (Gavit) in view of USPN 4,709,873 (Smith).

VII. ARGUMENT

The rejection of claims 1 – 4, 9 – 10, 12, and 14 is improper, and Applicants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Applicants present separate arguments for various claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Overview of Claims and Primary References (Gavit & Smith)

As a precursor to the arguments, Applicants provide an overview of the claims and the primary references (Gavit and Smith). This overview will assist in determining the scope and content of the prior art as required in *Graham* (see *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 setting out an objective analysis for applying 103 rejections).

Gavit teaches a take-up reel 30 having a hub 40 with a pair of spaced flanges 50 and 70. As best shown in FIGS. 3, 5, and 10, the take-up reel includes a receiver block 46 that has a bay 48 that is sized to receive a leader block 32 located at one end of a tape 18 (Gavit at col. 8, lines 46-47). The receiver block is not formed in the pair of spaced flanges 50 and 70 but instead fits into the hub 40.

Smith teaches a take-up reel having a hub 19C with a pair of spaced flanges 120 and 19B. As best shown in FIG. 2, a leaf spring 106 fits into a cavity 102 of a hub 19C and 19D. The hub 19D functions to “receive and locate a threader pin 16 at the axis of rotation 35A of the take-up reel 19” (Smith at col. 5, lines 17). The leaf spring is not formed in the pair of spaced flanges 120 and 19B but is formed in the hub.

The claims are directed to a take-up reel that has a hub with a pair of spaced flanges. A securing mechanism is formed in the pair of flanges. The securing mechanism has a resilient member moveable for releasably securing a position of a guide member with respect to the hub.

Claims Rejection: 35 USC § 103(a)

Claims 1 – 4, 9 – 10, 12, and 14 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,889,927 (Gavit) in view of USPN 4,709,873 (Smith). These rejections are traversed.

Each of the independent claims recites one or more elements that are not taught or suggested in Gavit in view of Smith. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

Claims 1 – 4

As one example, independent claims 1 and 3 recite a hub and a pair of flanges separated by the hub. The securing mechanism is “formed in the pair of flanges.” Gavit in view of Smith do not teach or suggest a securing mechanism that is formed in the pair of flanges.

In contrast to the claims, the securing mechanism in Gavit is formed in the receiver block 46 and hub 40, not the two flanges 50 and 70. Specifically, Gavit shows a take-up reel 30 having a hub 40 and a receiver block 46. As noted in the Office Action, the receiver block 46 includes a securing mechanism 74/75 and 102/104 in the form of a spring and bearings. The securing mechanism in Gavit, however, is not formed in the pair of flanges. **The securing mechanism in Gavit is formed in the receiver block and hub, not formed in the pair of flanges of the take-up reel.**

Smith teaches take-up reel 19 having a hub 19C and 19D with a pair of spaced flanges 120 and 19B. As shown in figure 2 of Smith, a leaf spring 106 and its keeper 108 are placed in a cavity 102 of the hub 19D (not formed in the pair of flanges). **The leaf spring 106 in Smith is formed in the hub, not formed in the pair of flanges of the take-up reel.**

Thus, the differences between the claims and the teachings in Gavit and Smith are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 1 – 4 are allowable over Gavit in view of Smith.

As yet another example, independent claims 1 and 3 recite that the securing mechanism (which is formed in the pair of flanges) includes a resilient member that releasably secures the guide member to the hub. Gavit in view of Smith do not teach or suggest such a resilient member.

Gavit shows a take-up reel 30 having a hub 40 and a receiver block 46. The Examiner argues that receiving portions 74, 75 are the claimed resilient securing mechanism (see Final OA at p. 2 stating “resilient securing mechanisms 74, 75” in Gavit). This argument is contrary to the express teachings in Gavit itself. Gavit states that a coil spring and ball formed in the receiver block secure the receiver block (see Gavit at col. 9, lines 43 – 56). The coil and spring are not located in the pair of flanges in Gavit. Further, the receiving portions 74, 75 are depressions located in the pair of flanges. These depressions are not a “resilient” securing mechanism. The depressions 74, 75 are fixed (i.e., not movable) semispherical detents in the flanges.

Smith teaches take-up reel 19 having a hub 19C and 19D with a pair of spaced flanges 120 and 19B. As shown in figure 2 of Smith, a leaf spring 106 and its keeper 108 are placed in a cavity 102 of the hub 19D. Notice that the leaf spring (i.e., a resilient member) is not formed in the pair of flanges 120 and 19B. Instead, the leaf spring is placed in a cavity of the hub.

Thus, the differences between the claims and the teachings in Gavit and Smith are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 1 – 4 are allowable over Gavit in view of Smith.

Claims 9, 10, 12, and 14

As one example, independent claim 9 recites that the magnetic tape is windable onto the hub and guide member in a first direction of rotation and a second direction of rotation while the guide member is secured to the hub. Gavit in view of Smith do not teach or suggest this element.

In the Final Office Action (mailed 08/09/2007), the Examiner has not identified a location in Gavit and/or Smith that teaches or suggests the claim element. In other words, the Examiner has ignored the recitations of claim 9 directed to a magnetic tape that is

windable onto the hub and guide member in a first direction of rotation and a second direction of rotation while the guide member is secured to the hub. Thus, the Examiner has not established a prima facie case of obviousness.

Applicants have reviewed Gavit and Smith and can find no location whatsoever that teaches or suggests a magnetic tape that is windable onto the hub and guide member in a first direction of rotation and a second direction of rotation while the guide member is secured to the hub.

Applicants respectfully ask the Board of Appeals to give weight to each word or words in claim 9 (It is well-settled that each word in a claim must have meaning. Ethicon Endo-Surgery, Inc. v. U.S. Surgical Corp., 93 F.3d 1572, 1582 (Fed. Cir. 1996)).

Thus, the differences between the claims and the teachings in Gavit and Smith are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art. For at least these reasons, claims 9, 10, 12, and 14 are allowable over Gavit in view of Smith.

As another example, independent claim 9 recites a hub and a pair of flanges separated by the hub. The securing mechanism is “formed in the flanges.” As shown above in connection with independent claims 1 and 3, Gavit in view of Smith do not teach or suggest a securing mechanism that is formed in the flanges. For at least these reasons, claims 9, 10, 12, and 14 are allowable over Gavit in view of Smith.

As yet another example, independent claim 9 recites that the securing mechanism (which is formed in the flanges) includes a resilient member that secures the guide member to the hub. As shown above in connection with independent claims 1 and 3, Gavit in view of Smith do not teach or suggest such a resilient member. For at least these reasons, claims 9, 10, 12, and 14 are allowable over Gavit in view of Smith.

CONCLUSION

In view of the above, Applicants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

/Philip S. Lyren #40,709/

Philip S. Lyren
Reg. No. 40,709
Ph: 832-236-5529

VIII. Claims Appendix

1. A reel comprising:

- a hub;
- a pair of flanges separated by the hub;
- a guide member is positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for receiving a magnetic tape; and
- a securing mechanism formed in the pair of flanges and having a resilient member moveable for releasably securing a position of the guide member with respect to the hub.

2. The reel as recited in claim 1, comprising at least one flange portion coupled to the hub, wherein the securing mechanism is coupled to the at least one flange portion.

3. A reel comprising:

- a hub;
- two flanges extending from the hub;
- a guide member is positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for receiving a magnetic tape; and
- a securing mechanism formed in the two flanges and for releasably securing a position of the guide member with respect to the hub, wherein the securing mechanism includes a resilient member configured to bias an engagement portion coupled to the resilient member into a corresponding receiving portion located on the guide member.

4. The reel as recited in claim 1, wherein the securing mechanism locks the guide member and the hub to a first position and unlocks the guide member and the hub to a second position.

5. (withdrawn) The reel as recited in claim 4, wherein the securing mechanism comprises engageable tab and notch structures correspondingly located on the hub and the guide member.

6. – 7. (canceled)

8. (withdrawn) The reel as recited in claim 1, wherein at least one of the hub, guide member, and the securing mechanism comprises magnetic components.

9. A reel comprising:

two oppositely disposed flanges;

a hub positioned between the flanges;

a guide member positionable with respect to the hub such that the hub and the guide member cooperate to form a surface for winding a magnetic tape; and

a securing mechanism formed in the flanges and configured to secure the guide member to the hub, such that the magnetic tape is windable onto the hub and the guide member in a first direction of rotation and a second direction of rotation while the guide member is secured to the hub, wherein the securing mechanism comprises at least one

resilient member moveable to lock a position of the guide member with respect to the hub.

10. The reel as recited in claim 9, wherein the securing mechanism releasably engages the guide member to the hub.

11. (canceled)

12. The reel as recited in claim 9, wherein the securing mechanism comprises a tab.

13. (withdrawn) The reel as recited in claim 9, comprising a track portion located on a flange portion and configured to direct the guide member into engagement with the securing mechanism to form the surface in cooperation with the hub.

14. The reel as recited in claim 9, wherein the first direction of rotation is a clock-wise direction and the second direction of rotation is a counter-clockwise direction.

15. - 27. (cancelled)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.